COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

Suffolk, ss.

Adjudicatory Case
No. 95-25-DALA
(RM-95-006)

In the Matter of   )
)
)   **Final Decision & Order**
Ronald Fischer, M.D.   )
)

This matter came before the Board on the basis of the Administrative Magistrate's Recommended Decision, dated October 24, 1996, for final disposition. After full consideration of that Recommended Decision, which is attached hereto and incorporated by reference, the Board adopts the Recommended Decision, amending it by adding the following:

Conclusion of Law

A.   The Respondent has engaged in conduct which undermines public confidence in the integrity of the medical profession and demonstrates a lack of good moral character. See Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982); Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979).

Sanction and Order

In the past, the Board has dealt strictly with cases of sexual misconduct and exploitation which involve a serious departure from good and accepted medical practice. Sexual misconduct is and has consistently been a cause for revocation. In the Matter of Wayel Moustafa, M.D., Adjudicatory Case No. 94-37-DALA (Final Decision and Order, June 28, 1995); In the Matter of David L. Wood, M.D.,

Adjudicatory Case No. 93-3-DALA (Final Decision and Order, August 25, 1993); In the Matter of Harshad M. Patel, M.D., Adjudicatory Case No. 91-11-DALA (Final Decision and Order, September 9, 1992); In the Matter of Eric A. Frederickson, M.D., Adjudicatory Case No. 87-47-HY (Final Decision and Order, December 9, 1987); In the Matter of Sze K. Kaan, M.D., Adjudicatory Case No. 86-12-BO (Final Decision and Order, May 6, 1987).
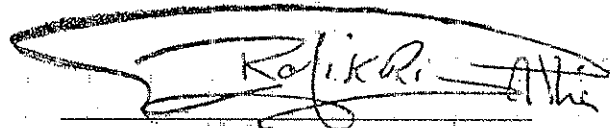
In addition, the Board has also consistently dealt rigorously with cases of sexual impropriety involving physicians and non-patients, such as the instant case. In the Matter of Donald L. Rife, M.D., Adjudicatory Case No. 93-25-DALA (Final Decision and Order, November 17, 1993); In the Matter of William F. Bahnson, M.D., Adjudicatory Case No. 88-64-SU (Final Decision and Order, October 19, 1988); In the Matter of Hojabr Majlessi, M.D., Adjudicatory Case No. 963 (Final Decision and Order, December 20, 1985); In the Matter of Eugene Sherry, M.D., Adjudicatory Case No. 953-S (Final Decision and Order, October 1, 1982); In the Matter of Arif Hussain, M.D., Adjudicatory Case No. 953-H (Final Decision and Order, September 29, 1982); In the Matter of Alan Lefkowitz, M.D., Adjudicatory Case No. 953-L (Final Decision and Order, September 24, 1982).

As a function of its obligation to protect the public health, welfare and safety, it is proper for the Board to exercise its authority to discipline the Respondent. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979). Therefore, in the light of the foregoing, the Respondent's license is hereby REVOKED. In imposing this sanction, the Board is mindful of its responsibility "to police the medical profession, and to take appropriate disciplinary action against those members of the profession 'who do not live up to the solemn nature of their public trust.'" Arthurs v. Board of Registration in Medicine, 383 Mass. 299 (1981), quoting Levy, 378 Mass. at 528. The Board notes that the Respondent's act of rape reflects his failure to live up to that trust.

The Respondent is hereby ordered to provide any employer or health care facility with which he has any appointment, privileges or other association, with a copy of this Final Decision and Order, by certified mail, return receipt requested, and the Respondent is further directed to certify to the Board, within ten (10) days, that he has complied with this directive.

This sanction is imposed for Conclusion of Law "A." The Respondent has the right to appeal this Final Decision and Order within 30 days, pursuant to G.L. c. 30A, §§ 14 and 15, and G.L. c. 112, § 64.

DATE: December 11, 1996

Rafik Attia, M.D.
Chairman

3

Notified by Certified Mail 12/12/96 (2M)